

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01925/FPH	Installation of gazebo in rear garden.	3 Waterloo Lane Holwell Hitchin Hertfordshire SG5 3ST

Submitted Plan Nos

A-001 A-002 A-003 A-004

1.0 **Local and National Policy**

1.1 **National Planning Policy Framework (NPPF) (2026)**

Chapter 4 Achieving sustainable development

Policy S3: Presumption in favour of sustainable development

Policy S5: Principle of development outside settlements

Chapter 5 Meeting the need of climate change

Chapter 14 Achieving well-designed places

Policy DP3: Key principles for well-designed places

Chapter 17: Pollution, public protection and security

Policy P3: Living conditions and pollution

Chapter 19 Conserving and enhancing the natural environment

Policy N2: Improving the natural environment

1.2 **North Hertfordshire Draft Local Plan (2011-2031)**

Strategic Policies

Policy SP1 – Sustainable Development in North Hertfordshire

Policy SP2 – Settlement Hierarchy and Spatial Distribution

Policy SP5 – Countryside and Green Belt

Policy SP9 – Design and Sustainability

Development Management Policies

Policy CGB1 – Rural Areas beyond the Green Belt

Policy CGB4 – Existing buildings in the Rural Area beyond the Green Belt

Policy D1 – Sustainable design

Policy D3 – Protecting living conditions

Policy NE2 - Landscape

Policy T2 – Parking

1.3 **Supplementary Planning Design (SPD)**

NHC Sustainability (2024)

2.0 **Relevant Site History**

- 2.1 Planning permission was granted under 17/02247/1 for the erection of 3 x 2 bedroom dwellings following demolition of existing farm buildings. Condition 3 attached to the approval removes permitted development rights under the Town and Country

Planning (General Permitted Development) Order 2015 (as amended) for development as set out in Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 to the Order.

- 2.2 A subsequent application was granted under 19/02137/NMA for an amendment to 17/02247/1 regarding the relocation of parking spaces and turning area, sunken patios areas increased in length to all 3 units (all below ground level). Minor fenestration changes to all 3 units. Small dormer windows in unit 3. This was followed by 22/01678/FPH for the retention of a garden shed which was approved.

3.0 **Representations**

- 3.1 **Site and Neighbouring Notification** – No objections have been received; this includes a comment registered in support of the application as ‘No objection’ from No.5 Waterloo Lane.

- 3.2 **Holwell Parish Council** – No objection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site forms part of the former garden to Glendale, a residential property situated on the south side of Waterloo Lane. Following the grant of planning permission, the site (Unit 1 under 17/02247/1) now comprises a two-storey residential dwelling part of which is below ground level.
- 4.1.2 The site is located outside of any defined settlement boundary and lies within the Rural Area Beyond the Green Belt.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the installation of a gazebo in rear garden.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- Whether the proposed development would be inappropriate development in the Rural Area beyond the Green Belt for the purposes of the National Planning Policy and Local Development Plan.
 - The impact of the proposed development on the environment.
 - The impact that the proposed development would have on the living conditions of nearby neighbouring properties.

Principle of Development in the Rural Area beyond the Green Belt

- 4.3.2 The property lies within the Rural Area beyond the Green Belt, this is an area of countryside which lies outside of the Green Belt though considered important and valuable land where it is still necessary to impose restraints on development to prevent inappropriate schemes. Policy CBG1 of the Local Plan sets out six broad typologies (a-

d incl.) of development considered acceptable in Rural Areas beyond the Green Belt which in this case the relevant typology is:

d) Relates to an existing rural building.

- 4.3.3 Policy CBG4 of the Local Plan sets out three broad typologies (b-d incl.) of development considered acceptable in Rural Areas beyond the Green Belt which in this case the relevant typology is:

c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s).

- 4.3.4 Chapter 4 Policy S5 of the NPPF supports the principle of development outside settlements where the proposal is for an extension to an existing dwelling where the extension would not result in a disproportionate increase in the size compared to the existing building.

- 4.3.5 In this regard, I find the principle of the development acceptable and in accordance with Policies CGB1 and CGB4 of the Local Plan and Chapter 4 Policy S5 of the NPPF.

Design, Appearance & Sustainability

- 4.3.6 Chapter 4 of the NPPF sets out the Government's approach to achieving sustainable development through the planning system. It establishes the economic, social and environmental objectives of sustainable development and confirms that these objectives should be pursued in a mutually supportive way. This chapter also reinforces the presumption in favour of sustainable development, requiring planning decisions to support development proposals that accord with an up-to-date development plan and contribute positively to sustainable development.
- 4.3.7 Chapter 14 of the NPPF promotes high-quality, sustainable and attractive development, recognising that good design is a fundamental aspect of sustainable development. Planning decisions should ensure development is visually attractive, responds positively to local character and creates places that function well for existing and future users.
- 4.3.8 Policies D1 and D2 of the Local Plan are consistent with the objectives set out in the NPPF.
- 4.3.9 The proposed gazebo would be sited on an existing patio area to the rear of the dwelling and would comprise a freestanding structure incorporating a glazed roof with adjustable louvred panels that can be retracted or tilted to regulate levels of sunlight, ventilation and weather protection. The structure would be finished in dark anthracite powder-coated aluminium, matching the colour of the existing dwelling. Given its lightweight design and materials, the gazebo would appear as a subordinate garden structure.
- 4.3.10 By virtue of its modest scale and design, I am satisfied that due to the set back position of the dwelling, the presence an existing outbuilding and the established mature planting fronting Waterloo Lane that the development would not result in visual harm to the street scene and would preserve the character and appearance of the dwelling and its rural surroundings. As such the proposal is considered to be in accordance with Policies D1

and D2 of the Local Plan and Chapters 4 Policy S5(1)(c) and Chapter 14 Policy DP3 of the NPPF.

Impact on the Landscape

- 4.3.11 Chapter 19 of the NPPF requires planning decisions to protect and enhance the natural environment by conserving biodiversity, designated sites, landscapes, geodiversity and green infrastructure. It places a strong emphasis on nature recovery, biodiversity enhancement and environmental improvements. In this regard, Policy NE2 of the Local Plan is consistent with the objectives set out within the NPPF.
- 4.3.12 The proposed gazebo would be modest in scale and would remain subordinate to the host dwelling. As such, it would not appear incongruous within its setting and would preserve the character and appearance of the Rural Area beyond the Green Belt. The proposal would therefore be in accordance with Policy NE2 of the Local Plan and Chapter 19 of the NPPF relating to the conservation and enhancement of landscapes.

Impact on Neighbouring Properties:

- 4.3.13 A core planning principle set out in Chapter 14 of the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the Local Plan.
- 4.3.14 No objections have been received from neighbouring occupiers, and I am satisfied that the proposed gazebo, by virtue of its position and relationship to existing built form would not impact existing residential amenity to any significant degree and would be in accordance with Policy D3 of the Local Plan and Chapter 17 Policy P3 of the NPPF.

Highways and Parking

- 4.3.15 The development would not impact existing off-street parking provision.

Environmental Implications:

- 4.3.16 The Council's Sustainability Supplementary Planning Document (2024) seeks to ensure that new developments are future proofed against the challenge of climate change.
- 4.3.17 Chapter 5 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Chapter 5 are reflected in Policy D1 of the Local Plan, which sets out that development proposals should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.
- 4.3.18 Based on the details submitted, the proposed development, is unlikely to have any significant implications for the local environment in terms of carbon emissions and therefore would be generally in accordance with Policy D1 of the Local Plan and Chapter 5 of the NPPF.

Biodiversity Net Gain (BNG)

4.3.19 The development is not subject to the statutory biodiversity gain condition, as it falls within one of the exemptions set out in paragraph 17 of Schedule 7A to the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (as amended).

4.4 **Conclusion**

4.4.1 The proposed development represents a modest structure in the curtilage of an existing dwelling. Therefore, I am satisfied that the development would preserve the character and appearance of the host dwelling and its rural setting. Accordingly, the proposal is considered acceptable and in accordance with Policies CGB1, CGB4, D1, D2, D3 and NE2 of the Local Plan and Chapters 4, 5, 14, 17 and 19 of the NPPF 2026.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 N/A

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 13 October 2026	